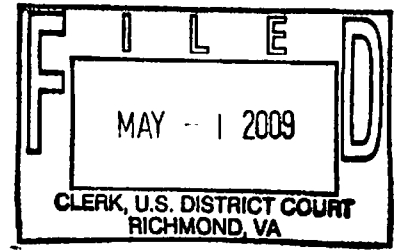


**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**



HUSSEIN NASRALLAH,

Petitioner,

v.

Civil No. 3:08CV684

**IMMIGRATION AND CUSTOMS ENFORCEMENT
"ICE", *et al.*,**

Respondents.

MEMORANDUM OPINION

Petitioner, a former United States detainee, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. Petitioner submitted the present petition while in the custody of Immigration and Customs Enforcement of the Department of Homeland Security ("ICE"). On December 13, 2008, Petitioner was deported to Lebanon. Respondents have filed a motion to dismiss claiming that Petitioner's claims are now moot.

"A habeas corpus petition is moot when it no longer presents a case or controversy under Article III, § 2, of the Constitution." *Aragon v. Shanks*, 144 F.3d 690, 691 (10th Cir. 1998) (*citing Spencer v. Kemna*, 523 U.S. 1 (1998)). A "case or controversy" does not exist unless a petitioner has suffered an actual injury which can "be redressed by a favorable judicial decision." *Spencer*, 523 U.S. at 7 (citation omitted). Because Petitioner has been released from custody, the court cannot grant relief in habeas. *See id.* at 7-8; *see also Campillo v. Sullivan*, 853 F.2d 593, 595 (8th Cir. 1988) (explaining that "absent custody by the authority against whom relief is sought, jurisdiction usually will not lie"). The instant petition is therefore moot. *See Watson v. INS*, 271 F. Supp. 2d 838, 839-40 (E.D. Va. 2003).

Respondents' motion to dismiss (Docket No. 12) will be GRANTED. The action will be DISMISSED AS MOOT.

An appropriate order shall issue.

<p style="text-align: center;">_____ /s/ James R. Spencer Chief United States District Judge</p>
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Date: 4-30-09
Richmond, Virginia